

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOEL SALGADO,

Plaintiff,

v.

BRUCE CHATMAN, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:15-CV-355(MTT)

ORDER

This case arises from the Plaintiff's claims that his Eighth Amendment and Fourteenth Amendment rights have been violated during his confinement. See *generally* Doc. 8. The case is one of eleven that has been filed by inmates in Tier III of the Special Management Unit of Georgia Diagnostic and Classification Prison in Jackson, Georgia. See, e.g., Doc. 28 at 1. Because "[e]ach case has presented similar claims and fact patterns alleging constitutional violations of Eighth and Fourteenth Amendment rights," the Magistrate Judge has consolidated discovery in the cases and has stayed discovery in all except one of the cases. See, e.g., *id.* at 1-2.

However, this case also contains an unrelated claim. In order to facilitate the orderly resolution of the cases and to ensure justice for all parties, the Court **SEVERS** the Plaintiff's Eighth Amendment claim against Defendant Powell for denial of dental care. See Fed. R. Civ. P. 21 ("On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party."); Fed. R. Civ. P. 42(b) ("For convenience, to avoid prejudice, or to expedite and economize, the court may order a separate trial of one or more separate issues, claims,

crossclaims, counterclaims, or third-party claims.”). The Clerk of Court is hereby **DIRECTED** to open a new action for the Eighth Amendment claim against Defendant Powell for denial of dental care. Defendant Powell should also remain a party in 5:15-cv-355.

Allowing for the delay caused by the stay on the SMU-related claims, the Court refers the parties to the discovery schedule set forth in Judge Weigle’s Order and Recommendation (Doc. 9), attached. That Order is modified as follows: discovery shall be completed by January 4, 2018, and dispositive motions shall be submitted by February 5, 2018.

SO ORDERED, this 12th day of October, 2017.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT